

**United States District Court
Southern District of West Virginia (Charleston)
CIVIL DOCKET FOR CASE #: 2:12-cv-00871**

Carr v. National Labor Relations Board
Assigned to: Judge John T. Copenhaver, Jr.
Cause: 05:552 Freedom of Information Act

Date Filed: 03/27/2012
Date Terminated: 11/29/2012
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Kevin L. Carr

represented by **Kevin L. Carr**
SPILMAN THOMAS & BATTLE
P. O. Box 273
Charleston, WV 25321-0273
304/340-3800
Fax: 304/340-3801
Email: kcarr@spilmanlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Richard M. Wallace
SPILMAN THOMAS & BATTLE
P. O. Box 273
Charleston, WV 25321-0273
304/340-3800
Fax: 304/340-3801
Email: rwallace@spilmanlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

National Labor Relations Board

represented by **Eric G. Moskowitz**
NATIONAL LABOR RELATIONS
BOARD
Suite 8600
1099 14th Street, NW
Washington, DC 20570
202/273-2930
Fax: 202/273-1799
Email: eric.moskowitz@nlrb.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Fred B. Westfall, Jr.
U. S. ATTORNEY'S OFFICE
P. O. Box 1713
Charleston, WV 25326-1713
304/345-2200
Fax: 304/347-5443
Email: fred.westfall@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Nancy E. Kessler Platt
NATIONAL LABOR RELATIONS
BOARD
1099 14th Street, NW

Washington, DC 20570-0001
 202/273-2937
 Fax: 202/273-1799
 Email: nancy.platt@nlrb.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark G. Eskenazi
 NATIONAL LABOR RELATIONS
 BOARD
 1099 14th Street, N.W.
 Washington, DC 20570-0001
 202/273-1947
 Fax: 202/273-1799
 Email: mark.eskenazi@nlrb.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/27/2012	<u>1</u>	COMPLAINT. Filing Fee \$350.00. Receipt # 0425-1794278. (Attachment: # <u>1</u> Civil Cover Sheet) (lca)
03/27/2012	<u>2</u>	SUMMONS ISSUED by the Clerk on behalf of Kevin L. Carr for National Labor Relations Board, re: <u>1</u> Complaint, returnable 60 days. Original Summons and 3 copies returned to Kevin Carr for service. (lca)
03/27/2012	<u>3</u>	STANDING ORDER IN RE: ASSIGNMENT AND REFERRAL OF CIVIL ACTIONS AND MATTERS TO MAGISTRATE JUDGES ENTERED SEPTEMBER 2, 2010. This matter referred to Magistrate Judge Stanley for discovery. (cc:attys; any unrepresented party) (lca)
03/27/2012		CASE assigned to Judge John T. Copenhaver, Jr. (ras) (Entered: 03/28/2012)
04/26/2012	<u>4</u>	ANSWER TO <u>1</u> Complaint by National Labor Relations Board. (Attachments: # <u>1</u> Exhibit A: January 26, 2012 FOIA request, # <u>2</u> Certificate of Service)(Eskenazi, Mark)
04/27/2012	<u>5</u>	EMAIL NOTIFICATION to Eric G. Moskowitz with Notice from Teresa L. Deppner, Clerk, Re: Electronic filing requirements. (Attachments: # <u>1</u> Clerk's Notice) (jkk)
05/16/2012	<u>6</u>	ORDER AND NOTICE: Rule 12(b) Motions 6/5/2012. Rule 26(f) Meeting 6/15/2012. Last day to file report of Rule 26(f) Meeting 6/22/2012. Scheduling Conference at 10:00 AM on 6/29/2012 in Charleston. Entry of Scheduling Order 7/6/2012. Last Day to make Rule 26(a)(1) disclosures 7/16/2012. Signed by Judge John T. Copenhaver, Jr. on 5/16/2012. (cc: attys; any unrepresented parties) (taq)
06/21/2012	<u>7</u>	RULE 26(f) REPORT OF PLANNING MEETING by Kevin L. Carr, National Labor Relations Board. (Eskenazi, Mark)
06/22/2012	<u>8</u>	JOINT MOTION by Kevin L. Carr, National Labor Relations Board to Continue Scheduling Conference (Attachment: # <u>1</u> Proposed Order)(Eskenazi, Mark)
06/25/2012	<u>9</u>	ORDER CONTINUING SCHEDULING CONFERENCE granting parties' <u>8</u> JOINT MOTION to Continue the Scheduling Conference; the scheduling conference is continued to 7/11/2012 at 3:30 PM in Charleston. Signed by Judge John T. Copenhaver, Jr. on 6/25/2012. (cc: attys; any unrepresented party) (cbo) (Modified title of entry on 6/26/2012) (taq).
07/06/2012	<u>10</u>	AMENDED JOINT RULE 26(f) REPORT OF PLANNING MEETING by Kevin L. Carr, National Labor Relations Board and JOINT MOTION Kevin L. Carr, National Labor Relations Board to Set Initial Scheduling Deadlines. (Attachment: # <u>1</u> Proposed Order on the Amended Joint Report of Parties' Planning Meeting and Joint Motion to Set Initial Scheduling Deadlines)(Eskenazi, Mark) (Modified text to conform to filed document on 7/7/2012) (skh).

07/10/2012	<u>11</u>	SCHEDULING ORDER directing that discovery is stayed until defendant files its motion for summary judgment; directing as follows: Defendant's motion for summary judgment, Vaughn index, affidavit(s), and supporting memorandum are due by 8/10/2012; plaintiff's motion to lift the stay of discovery is due by 8/24/2012; defendant's opposition to the motion to lift the stay of discovery is due by 9/7/2012; and plaintiff's reply in support of his motion to lift the stay of discovery is due by 9/14/2012. The scheduling conference set for 7/11/2012 is CANCELLED. Signed by Judge John T. Copenhagen, Jr. on 7/10/2012. (cc: attys; any unrepresented party) (taq)
08/10/2012	<u>12</u>	MOTION by National Labor Relations Board for Summary Judgment (Attachments: # <u>1</u> NLRB Vaughn Index, # <u>2</u> Declaration of Barry Kearney, # <u>3</u> Exhibit 1 – NLRB Operations–Management Memorandum 11–74, # <u>4</u> Exhibit 2 – NLRB Operations–Management Memorandum 12–31, # <u>5</u> Exhibit 3 – NLRB Operations–Management Memorandum 12–59, # <u>6</u> Exhibit 4 – 1/26/12 Letter, # <u>7</u> Exhibit 5 – 2/9/12 Letter, # <u>8</u> Exhibit 6 – 2/23/12 Letter, # <u>9</u> Exhibit 7 – 3/1/12 Letter, # <u>10</u> Exhibit 8 – 3/7/12 Appeal, # <u>11</u> Exhibit 9 – 3/23/12 Letter, # <u>12</u> Proposed Order)(Eskenazi, Mark)
08/10/2012	<u>13</u>	MEMORANDUM by National Labor Relations Board in support of <u>12</u> MOTION by National Labor Relations Board for Summary Judgment (Eskenazi, Mark)
08/24/2012	<u>14</u>	MOTION by Kevin L. Carr to Lift Stay on Discovery and Permit Plaintiff to Conduct Discovery (Carr, Kevin).
09/07/2012	<u>15</u>	RESPONSE by National Labor Relations Board in opposition of <u>14</u> MOTION by Kevin L. Carr to Lift Stay on Discovery and Permit Plaintiff to Conduct Discovery (Eskenazi, Mark)
09/13/2012	<u>16</u>	REPLY by Kevin L. Carr to <u>15</u> Response In Opposition. (Carr, Kevin)
11/08/2012	<u>17</u>	MEMORANDUM OPINION AND ORDER pursuant to defendant National Labor Relations Board's ("NLRB") <u>12</u> motion for summary judgment, directing plaintiff to respond to the summary judgment motion by 11/20/2012, with any reply filed by the NLRB no later than 12/3/2012; denying plaintiff Kevin L. Carr's <u>14</u> MOTIONS to lift stay on discovery and to permit him to conduct discovery; denying as moot the <u>10</u> joint motion to set initial scheduling deadlines. Signed by Judge John T. Copenhagen, Jr. on 11/8/2012. (cc: attys; any unrepresented parties) (taq)
11/08/2012		SET DEADLINES as to <u>12</u> MOTION by National Labor Relations Board for Summary Judgment; responses due by 11/20/2012 and replies due by 12/3/2012 pursuant to the court's <u>17</u> order. (taq) (Entered: 11/09/2012)
11/29/2012	<u>18</u>	STIPULATION OF DISMISSAL PURSUANT TO RULE 41(a)(1)(A)(ii) by Kevin L. Carr, National Labor Relations Board (Carr, Kevin) (Modified on 11/29/2012 to add party filer) (skh).